

LABEL, IN PART: "Colonial De Lux Fruit Cake," or "Colonial Pure Food Fruit Cake."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 6, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6413. Adulteration of cookies. U. S. v. Oather Dorris McKee (Jack's Cookie Co.). Plea of nolo contendere. Fine, \$200 on count 1; judgment suspended on counts 2 and 3. (F. D. C. No. 9689. Sample Nos. 28477-F, 28479-F, 35331-F, 35405-F.)

INFORMATION FILED: On August 19, 1943, in the Western District of North Carolina, against Oather Dorris McKee, trading as Jack's Cookie Co., at Charlotte, N. C.

ALLEGED SHIPMENT: From on or about February 24 to March 24, 1943, from the State of North Carolina into the States of Georgia and South Carolina.

LABEL, IN PART: "Jack's 5¢ Tasty Lunch."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On October 7, 1943, a plea of nolo contendere having been entered, a fine of \$200 was imposed on count 1. Judgment was withheld with respect to counts 2 and 3, and was suspended by the court on October 5, 1944.

6414. Adulteration and misbranding of pies. U. S. v. Arthur F. Roberts, Receiver for Darcy's Pies. Plea of guilty. Fine, \$50. (F. D. C. No. 11366. Sample Nos. 17100-F, 19928-F, 19929-F, 20623-F.)

INFORMATION FILED: On May 3, 1944, in the District of Massachusetts, against Arthur F. Roberts, receiver for the firm trading as Darcy's Pies, at Chicopee Falls, Mass.

ALLEGED SHIPMENT: From on or about January 6 to June 4, 1943, from the State of Massachusetts into the States of New York and Rhode Island.

LABEL, IN PART: "A Grand Pie * * * Pineapple * * * Distributed by Grand Cake Co., Brooklyn, N. Y.," "Distributed By White House Boston Mass. * * * Lemon [or "Pineapple"]," "Darcy's Chicopee Falls, Mass. * * * Pineapple," or "Darcy's Everybody's."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, pineapple or lemon juice, had been in whole or in part omitted from the food; and, Section 402 (b) (2), pie filling consisting essentially of artificially colored cornstarch paste, and containing little or no fruit or lemon juice, had been substituted in whole or in part for pineapple and lemon fillings.

Misbranding, Section 403 (a), the statements "Pineapple" or "Lemon," borne on the labels, were false and misleading as applied to the products; and the statement "A Grand Pie," borne on the label of a portion of the pineapple pie, was false and misleading since it represented and suggested that the article was a pie of superior quality, whereas it was not.

DISPOSITION: May 18, 1944. A plea of guilty having been entered, the defendant was fined \$50.

6415. Adulteration of peanut butter cheese sandwiches. U. S. v. President Products, Inc., and Emanuel H. Schwartz, and Jacob Schwartz. Pleas of guilty. Each defendant fined \$400. (F. D. C. No. 11340. Sample Nos. 22776-F, 22777-F.)

INFORMATION FILED: On February 29, 1944, in the District of New Jersey, against President Products, Inc., and Emanuel H. Schwartz and Jacob Schwartz, West New York, N. J.

ALLEGED SHIPMENT: On or about May 13 and 18, 1943, from the State of New Jersey into the State of Pennsylvania.

LABEL, IN PART: (Packages) "Vitamin Rich Peanut Butter Cheese Sandwiches."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, rodent excreta pellet fragments, fragments resembling rodent excreta, a feather fragment, and dirt particles, and, Section

402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 7, 1944. Pleas of guilty having been entered, each defendant was fined \$400.

6416. Misbranding of peanut butter sandwiches. U. S. v. 7 Cartons of Peanut Butter Sandwiches. Default decree of condemnation and destruction. (F. D. C. No. 11287. Sample Nos. 51258-F, 51560-F.)

LABEL FILED: December 10, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 15, 1943, by the R. I. Biscuit Co., from Providence, R. I.

PRODUCT: 7 cartons, each containing 48 packages, of peanut butter sandwiches at Springfield, Mass.

LABEL, IN PART: "Ribco Peanut Butter Sandwiches * * * Weight: Not less than 4 ounces."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement, "Weight: Not less than 4 ounces," on the label was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6417. Adulteration of Soy Bean Thins. U. S. v. 28 Dozen Packages of Soy Bean Thins. Default decree of condemnation and destruction. (F. D. C. No. 12248. Sample No. 76422-F.)

LABEL FILED: April 25, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about February 4, 1944, by Frank Burns, Inc., Philadelphia, Pa.

PRODUCT: 28 dozen 7-ounce packages of Soy Bean Thins at New York, N. Y.

LABEL, IN PART: "Nutty Soy Bean thins."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments.

DISPOSITION: May 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6418. Misbranding of cheese wafers. U. S. v. 5 Cases of Cheese Wafers. Default decree of condemnation and destruction. (F. D. C. No. 10267. Sample No. 42926-F.)

LABEL FILED: July 31, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about May 22, 1943, by the King Kone Corporation, from New York, N. Y.

PRODUCT: 5 cases, each containing 12 cans, of cheese wafers at Seattle, Wash. The average net weight of each can of the article was 3.16 ounces.

LABEL, IN PART: (Cans) "Old London Cheese-baked-in Waffles * * * Net Weight 4 Ounces."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Cheese-baked-in" was false and misleading as applied to the article, which contained little or no cheese; and the statement "Net Weight 4 Ounces" was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL*

6419. Adulteration of corn meal. U. S. v. 21 Bales of Corn Meal. Default decree of condemnation. Product ordered disposed of in compliance with the law. (F. D. C. No. 11757. Sample No. 40304-F.)

LABEL FILED: February 9, 1944, District of South Dakota.

ALLEGED SHIPMENT: On or about December 8, 1943, by the Plymouth Cereal Mills, from Le Mars, Iowa.

*See also No. 6435.